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*Attorneys for Defendants Miles Q. Fiterman Revocable Trust;
Miles Q. Fiterman Non-Exempt Marital Trust; Towers
Management Company LLC; Fiterman GST Exempt Marital
Trust; Miles Fiterman Family Trust; Shirley Fiterman,
individually, and in her capacity as Trustee for the Miles Q.
Fiterman Revocable Trust and the Miles Q. Fiterman Non-
Exempt Marital Trust; Steven Fiterman, individually, and in his
capacity as Trustee for the Miles Q. Fiterman Revocable Trust and
the Miles Q. Fiterman Nonexempt Marital Trust; Valerie
Herschman, individually, and in her capacity as Trustee for the
Miles Q. Fiterman Revocable Trust and the Miles Q. Fiterman
Non-Exempt Marital Trust; Karen Wasserman; Lynn Guez;
Stephanie Rosenthal; Miles Q. Fiterman II; and Matthew
Fiterman*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Securities Investor Protection Corporation,

Plaintiffs-Applicant,

v.

Bernard L. Madoff Investment Securities LLC,

Defendant.

In re:

Bernard L. Madoff,

Debtor.

SIPA Liquidation

No. 08–01789 (SMB)

(Substantively Consolidated)

Irving H. Picard, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Miles Q. Fiterman Revocable Trust; Miles Q. Fiterman Non-Exempt Marital Trust; Towers Management Company LLC; Fiterman GST Exempt Marital Trust; Miles Fiterman Family Trust; Shirley Fiterman, individually, and in her capacity as Trustee for the **Miles Q. Fiterman Revocable Trust** and the **Miles Q. Fiterman Non-Exempt Marital Trust; Steven Fiterman**, individually, and in his capacity as Trustee for the **Miles Q. Fiterman Revocable Trust** and the **Miles Q. Fiterman Nonexempt Marital Trust; Valerie Herschman**, individually, and in her capacity as Trustee for the **Miles Q. Fiterman Revocable Trust** and the **Miles Q. Fiterman Non-Exempt Marital Trust; Karen Wasserman; Lynn Guez; Stephanie Rosenthal; Miles Q. Fiterman II; and Matthew Fiterman**,

Defendants.

Adversary Proceeding

No. 10-04337 (SMB)

Jury Trial Demanded

**NOTICE OF MOTION TO DISMISS
THE FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and the Declaration of Thomas F. Berndt, Defendants will move this Court, the Honorable Judge Stuart M. Bernstein, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004, on a date and time to be determined by the Court, for an Order dismissing the Trustee's First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b) and Federal Rule of Bankruptcy Procedure 7012(b) and granting such other relief as the Court deems just.

April 17, 2014

Jones & Schwartz, P.C.

Harold Jones (Bar No. HDJ-4652)

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By: s/ Thomas F. Berndt

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